

**14-1538 LIFE TECHNOLOGIES CORP. V. PROMEGA CORP.**

DECISION BELOW: 773 F.3d 1338

LOWER COURT CASE NUMBER: 2013-1011, 2013-1029, 2013-1376

QUESTION PRESENTED:

35 U.S.C. § 271(f)(1) provides that it is an act of patent infringement to "suppl[y] ...in or from the United States all or a substantial portion of the components of a patented invention, . . . in such manner as to actively induce the combination of such components outside the United States." Despite this Court's clear dictate that section 271(f) should be construed narrowly, *Microsoft Corp. v. AT&T Corp.*, 550 U.S. 437 (2007), the Federal Circuit held that Life Technologies is liable for patent infringement for worldwide sales of a multi-component kit made abroad because just a single, commodity component of the kit was shipped from its U.S. facility to its own foreign facility. The questions presented are:

1. Whether the Federal Circuit erred in holding that a single entity can "actively induce" itself to infringe a patent under 35 U.S.C. § 271(f)(1).
2. Whether the Federal Circuit erred in holding that supplying a single, commodity component of a multi-component invention from the United States is an infringing act under 35 U.S.C. § 271(f)(1), exposing the manufacturer to liability for all worldwide sales.

GRANTED LIMITED TO QUESTION 2 PRESENTED BY THE PETITION.

CERT. GRANTED 6/27/2016